

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 728 of 2007(J)

PETITIONER:

P.P.CHANDRASEKHARAN,ASST.CO-ORDINATOR(EC
(TOTAL SANITATION CAMPAIGN POVERTY ALLEVIATION
UNIT),NOBLE ARCADE BLDG.,POTTIAN SEKHARAN ROAD,
NEAR MAKKANI, THEKKE BAZAR, KANNUR,KANNUR DISTRICT
(ORGNL.DESIGNATION EXTENTION OFFICER HOUSING GR.I,
WHICH IS NOW REDESIGNATED AS JT.BDO(RURAL HOUSING)

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE COMMISSIONER OF RURAL DEVELOPMENT,
COMMISSIONERATE OF RURAL DEVELOPMENT,
L.M.S. COMPOUND, THIRUVANANTHAPURAM.
3. THE ASSISTANT DEVELOPMENT
COMMISSIONER (GENERAL), KANNUR.
4. THE BLOCK DEVELOPMENT OFFICER,
TALIPARAMBA, KANNUR DIST.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.728 of 2007

Dated this the 8th day of January, 2007

JUDGMENT

Heard both sides.

2. The petitioner is borne on the cadre of Extension Officer, Housing Grade I which is re-designated as Joint Block Development Officer (Rural Housing) in the Rural Development Department. It is stated that the petitioner is duly qualified and is entitled to be considered for promotion to the post of Block Development Officer which is a selection post. He also contends that his case ought to be considered by the Departmental Promotion Committee for inclusion in the select list for appointment to the post of Block Development Officer. On coming to know that his confidential reports were not placed for the consideration of the DPC, he filed Ext.P4 representation before the second respondent bringing that omission to the notice of that respondent and requesting to do the needful. But nothing transpired for sometime. Later on, confidential reports were made available before the second respondent. However, when the meeting of the DPC was held on 28.11.2006, the case of the petitioner was omitted to be considered. Feeling aggrieved, the petitioner filed Ext.P5 representation requesting to convene a review or adhoc DPC to

consider his case based on the confidential reports prepared by the competent authorities, so that his name will be included in the select list for appointment to the post of BDO after due assessment by the DPC, in accordance with law. Learned counsel for the petitioner submits that to the best of knowledge of the petitioner, the select list prepared by the DPC which made on 28.11.2006 has not been approved by the Government and no notification also has been issued.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

4. In the above circumstances, it is necessary that the first respondent who is in seisin of the matter, based on Ext.P5 representation, has to consider the grievance of the petitioner immediately and take appropriate decision. If the petitioner's case was omitted to be considered for want of confidential reports being placed before the DPC which met on 28.11.2006, it would be desirable that a review or adhoc DPC is held immediately and the petitioner's case is also considered as far as possible with such expedition that the notification is issued including the names of all persons who are duly entitled to be included in that list. There shall be an order directing the first respondent to consider Ext.P5 on merits and take appropriate decision within two weeks from the date of receipt of a copy of the

judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for information and compliance.

The writ petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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